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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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90/019,652

09/09/2024

N. 8505374

MMS-P001

9818

32118

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04/16/2025

LAMBERT SHORTELL & CONNAUGHTON

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EXAMINER

DONDERO, WILLIAM E

ART UNIT

PAPER NUMBER

3993

MAIL DATE

DELIVERY MODE

04/16/2025

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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(THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS)

Law Office of Michael D. Eisenberg
Intellectual Property Law
1991 Village Park Way Suite 202C
Encinitas, CALIFORNIA 92024

***EX PARTE* REEXAMINATION COMMUNICATION TRANSMITTAL FORM**

REEXAMINATION CONTROL NO. 90/019,652 .

PATENT UNDER REEXAMINATION 8505374 .

ART UNIT 3993 .

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified *ex parte* reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the *ex parte* reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).

Notice of Intent to Issue Ex Parte Reexamination Certificate	Control No. 90/019,652	Patent Under Reexamination 8505374	
	Examiner WILLIAM E DONDERO	Art Unit 3993	AIA (First Inventor to File) Status No

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1. ☒ Prosecution on the merits is (or remains) closed in this *ex parte* reexamination proceeding. This proceeding is subject to reopening at the initiative of the Office or upon petition. *Cf.* 37 CFR 1.313(a). A Certificate will be issued in view of
 - (a) ☒ Patent owner's communication(s) filed: 12 March 2025.
 - (b) ☐ Patent owner's failure to file an appropriate timely response to the Office action mailed: ____.
 - (c) ☐ Patent owner's failure to timely file an Appeal Brief (37 CFR 41.31).
 - (d) ☐ The decision on appeal by the ☐ Board of Patent Appeals and Interferences ☐ Court dated ____
 - (e) ☐ Other: ____.
2. The Reexamination Certificate will indicate the following:
 - (a) Change in the Specification: ☐ Yes ☒ No
 - (b) Change in the Drawing(s): ☐ Yes ☒ No
 - (c) Status of the Claim(s):
 - (1) Patent claim(s) confirmed: 1-2.
 - (2) Patent claim(s) amended (including dependent on amended claim(s)): 3-6
 - (3) Patent claim(s) canceled: ____.
 - (4) Newly presented claim(s) patentable: 7-14.
 - (5) Newly presented canceled claims: ____.
 - (6) Patent claim(s) ☐ previously ☐ currently disclaimed: ____
 - (7) Patent claim(s) not subject to reexamination: ____.
3. ☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on ____.
4. ☒ Note the attached statement of reasons for patentability and/or confirmation. Any comments considered necessary by patent owner regarding reasons for patentability and/or confirmation must be submitted promptly to avoid processing delays. Such submission(s) should be labeled: "Comments On Statement of Reasons for Patentability and/or Confirmation."
5. ☐ Note attached NOTICE OF REFERENCES CITED (PTO-892).
6. ☐ Note attached LIST OF REFERENCES CITED (PTO/SB/08 or PTO/SB/08 substitute).
7. ☐ The drawing correction request filed on ____ is: ☐ approved ☐ disapproved.
8. ☐ Acknowledgment is made of the priority claim under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the certified copies have
 - ☐ been received.
 - ☐ not been received.
 - ☐ been filed in Application No. ____.
 - ☐ been filed in reexamination Control No. ____.
 - ☐ been received by the International Bureau in PCT Application No. ____.

* Certified copies not received: ____.
9. ☐ Note attached Examiner's Amendment.
10. ☐ Note attached Interview Summary (PTO-474).
11. ☐ Other: ____.

All correspondence relating to this reexamination proceeding should be directed to the **Central Reexamination Unit** at the mail, FAX, or hand-carry addresses given at the end of this Office action.

/WILLIAM E DONDERO/ Reexamination Specialist, Art Unit 3993	
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cc: Requester (if third party requester)

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Notice of Pre-AIA or AIA Status

The present application is being examined under the pre-AIA first to invent provisions.

Brief Description of Proceedings for 90019652

The Third Party Requester (TPR) requested reexamination of claims 1-6 of U.S. Patent No. 8,505,374 (hereinafter “the ‘374 patent”) based on the following proposed rejections:

1. Claims 1-6 are unpatentable over D’Angelo (US-5844145) in view of Galbraith (US-5507191)
2. Claims 2-4 are unpatentable over D’Angelo in view of Galbraith and Clayton (US-5861552)
3. Claims 5-6 are unpatentable over D’Angelo in view of Galbraith and Lucia (US-3505863)
4. Claims 5-6 are unpatentable over D’Angelo in view of Galbraith, Clayton, and Lucia
5. Claims 1-6 are unpatentable over D’Angelo in view of Bartlett (US-4062234)
6. Claims 2-4 are unpatentable over D’Angelo in view of Bartlett and Clayton
7. Claims 5-6 are unpatentable over D’Angelo in view of Bartlett and Lucia
8. Claims 5-6 are unpatentable over D’Angelo in view of Bartlett, Clayton, and Lucia
9. Claims 1-6 are unpatentable over D’Angelo in view of Angstrom (US-4669318)
10. Claims 2-4 are unpatentable over D’Angelo in view of Angstrom and Clayton
11. Claims 5-6 are unpatentable over D’Angelo in view of Angstrom and Lucia

An Order finding a SNQ with the references above, was mailed on October 3, 2024. Patent Owner (PO) did not file a 37 CFR 1.530 statement in response to that order. A non-final rejection rejecting claims 1-6 as unpatentable over D’Angelo (US-5844145) in view of Galbraith (US-5507191), Bartlett (US-4062234), Angstrom (US-4669318), Clayton (US-5861552), and/or Lucia (US-3505863) was mailed on January 16, 2025. An interview was conducted on March 7, 2025. PO filed a response on March 12, 2025.

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STATEMENT OF REASONS FOR PATENTABILITY AND/OR CONFIRMATION

The following is an examiner's statement of reasons for patentability and/or confirmation of the claims found patentable in this reexamination proceeding:

D'Angelo teaches a chassis dynamometer in which a vehicle drives up ramps 5 to place the tires between rollers 6 which is specifically designed for emissions inspections (see Column 1, Lines 20-29). Federal regulation require chassis dynamometers not hub dynamometers for emissions inspections. Furthermore, the dynamometer of D'Angelo is not portable as it is very large and bolted to track 3 is bolted to a floor. D'Angelo does not disclose or suggest the hub coupling, the drive shaft and the load shaft coaxially rotating.

Galbraith discloses a hub dynamotor for a chain saw in which a dummy bar with a chain without cutting teeth has a sprocket at one end which attaches to the dynamometer. Therefore, the connection between the power output of the chainsaw and the dynamometer is offset in the same manner as the connection of D'Angelo, and thus does not overcome the deficiency of D'Angelo related to the hub coupling, drive shaft, and the load shaft coaxially rotating.

Bartlett discloses a hub dynamometer for large industrial sized vehicle and military tanks with coaxially rotating hub coupling, drive shaft and load shaft, but the dynamometer is not portable.

Angstrom discloses a hub dynamometer for vehicles with coaxially rotating hub coupling, drive shaft, and load shaft, but the dynamometer is not portable.

Combining any of Galbraith, Bartlett, and Angstrom with D'Angelo would destroy the intention of D'Angelo of being used for emissions inspections as the federal regulations require chassis dynamometers. Further, the combination would be impermissible hindsight as changing D'Angelo to a hub dynamometer would not make the device easier and cheaper to manufacture as the hub dynamometers require removal of the vehicle wheels, jacking up the vehicle, and precise placement of

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the vehicle for connection to the hub dynamometer to ensure alignment of the vehicle drive shaft and dynamometer without damaging the vehicle or the dynamometer.

Clayton and Lucia further do not cure the deficiencies of D'Angelo, Galbraith, Bartlett, and/or Angstrom.

Therefore, the prior art of record, when taken as a whole, does not disclose or teach the combination of claims 1, 7, and 9, including a portable on vehicle dynamometer comprising a hub coupling secured to a first end of a load shaft and connected directly to a drive shaft for transferring power to the load shaft, wherein the hub coupling, the drive shaft, and the load shaft coaxially rotate and two roller assemblies mounted to a lower end of a rigid frame providing multidirectional movement of the dynamometer in conjunction with the rest of the limitations of claim 1, 7, and 9.

Any comments considered necessary by PATENT OWNER regarding the above statement must be submitted promptly to avoid processing delays. Such submission by the patent owner should be labeled: "Comments on Statement of Reasons for Patentability and/or Confirmation" and will be placed in the reexamination file.

Conclusion

All correspondence relating to ex parte reexamination proceedings should be directed:

By Patent Center: Registered users may submit via the electronic filing system, Patent Center, at: <https://patentcenter.uspto.gov/>

By Mail: Mail Stop *Ex Parte* Reexam
ATTN: Central Reexamination Unit
Commissioner for Patents
U.S. Patent & Trademark Office
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By FAX: (571)273-9900
Central Reexamination Unit

By hand: Customer Service Window
Knox Building
501 Dulany St.
Alexandria, VA 22314

For Patent Center transmissions, 37 CFR 1.8(a)(1)(i)(C) and (ii) states that correspondence (except for a request for reexamination and a corrected or replacement request for reexamination) will be considered timely filed if: (a) it is transmitted via the Office's electronic filing system in accordance with 37 CFR 1.6(a)(4); and, (b) includes a certificate of transmission for each piece of correspondence stating the date of transmission, which is prior to the expiration of the set period of time in the Office action.

Any inquiry concerning the status of this proceeding, should be directed to the Central Reexamination Unit (CRU) at telephone number: (571)272-7705. The CRU's fax number is: (571)273-9900. Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIAM E DONDERO whose telephone number is (571)272-5590. The examiner can normally be reached Monday-Friday 6 am - 4 pm ET, Alternate Fridays.

/WILLIAM E DONDERO/
Reexamination Specialist, Art Unit 3993

CONFEREES: /WILLIAM C DOERRLER/
Reexamination Specialist, Art Unit 3993

/Patricia L Engle/
SPRS, Art Unit 3993